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Planning Commission Date: October 13, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: 10/1/04

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Posted On: 10/1/04

TITLE: **USE PERMIT NO. UP2004-26**

Proposal: A request for a reduction of two parking (2) spaces required by the ordinance for a bank locating in an existing retail tenant space in the Phase I of McCarthy Ranch Marketplace.

Location: 139 Ranch Drive (APN 22-53-003)

RECOMMENDATION: **Approval with conditions.**

Applicant: Wells Fargo Bank, Attention: Richard Miller, 1203 Fourth Street, 2nd Floor, San Rafael, CA 94901

Larry Szto, 133 Keary Street, Suite 202, San Francisco, CA 94108

Property Owner: CB McCarthy Ranch Marketplace, Inc., c/o DB Real Estate, Attention: Douglas E. Bailey, 3006 Northup Way, Suite 301, Bellvue, WA 98004

Previous Action(s): "S" Zone approval and amendments, use permits

Environmental Info: Exempt

General Plan Designation: General Commercial

Present Zoning: "C2" General Commercial

Existing Land Use: Shopping center

Agenda Sent To: Applicants & owner (all noted above)

Attachments: Site plan and parking survey

PJ No. 2394

BACKGROUND

On December 8, 1993, the Planning Commission approved an "S" Zone application for Phase I (northwest side of Ranch Drive) of the McCarthy Ranch Marketplace. Subsequent approvals include Phase II (southeast side of Ranch Drive), other pad buildings such as Walmart, minor site modifications and use permits. In addition, the Planning Commission Subcommittee approved

exterior building modifications associated with the tenant improvement for Wells Fargo bank including a new ATM, night deposit box and relocation of the front doors on May 6, 2004.

Site Description

The subject site located on the northwest side of Ranch Drive within the Phase I development of the McCarthy Ranch Marketplace. McCarthy Boulevard lies to the west, I-880 to the east and Highway 237 to the south. Surrounding properties are zoned General Commercial and Industrial park and contain a regional shopping center with several hotels and an industrial park campus.

Phase I of McCarthy Ranch Marketplace is comprised of numerous big box stores located along the western portion of the property and smaller individual pad buildings lining Ranch Drive that contain fast food and other general retail uses.

THE APPLICATION

The Use Permit application is submitted pursuant to Section 57.02-18 (modification of parking space requirements) of the Milpitas Zoning Ordinance.

Project Description

The applicant requests a reduction of two parking (2) spaces required by the zoning ordinance. Wells Fargo Bank plans to locate in an existing retail tenant space in Phase I of McCarthy Ranch Marketplace. The retail space is approximately 3,029 sq. ft. and has 15 parking space allotted to it. The bank use requires 17 parking spaces, hence this application.

Conformance with the General Plan

The proposed project complies with the City's General Plan in terms of Policy 2.a-I-7. The proposed project provides a service that supports surrounding businesses, which can assist in expanding employment, facilitating communications and promoting business retention.

Conformance with the Zoning Ordinance

The project complies with the City's Zoning Ordinance, which allows for modifications of parking requirements so long as other suitable and convenient parking is available within the area. In addition, the bank use is consistent with the permitted uses in the General Commercial District.

ISSUES

Parking

The 3,029 sq. ft. tenant space has 15 parking spaces allocated to it based on the retail parking ratio of 1 space per 200 sq. ft. The proposed bank requires 17 spaces (1 space per 180 sq. ft.). Since the proposed use exceeds the spaces allotted to the tenant space a parking reduction of 2 spaces is necessary. Phase I of McCarthy Ranch Marketplace was constructed at a ratio of approximately 1 space per 177 sq. ft., which is more stringent than the retail parking requirement of 1 space per 200 sq. ft. and results in an excess of 148 spaces exists. Use permits have been approved for parking reductions in the past which have assigned the excess spaces to specific

tenants, the majority being restaurants. Therefore, the applicant performed a parking survey of the 1,343 parking spaces located in the general parking area of Phase I (does not include those spaces near Borders). The study was performed every hour from 9:00 AM to 6:00 PM, Monday through Saturday. The greatest occupancy occurred during the lunch hours of 12:00 and 2:00 PM. During these times the average available (unoccupied) spaces was approximately 865 (64%). This study demonstrates that adequate parking in Phase I is available and by not providing 2 spaces would not result in any parking impacts. In addition, the bank is intended to serve those people already parked and patronizing the retail shops and restaurants within the shopping center.

Community Impact

The project is not anticipated to have any adverse impacts on the community. As demonstrated, in the parking study, no impacts on parking are expected occur as a result of the bank use. There are no odors, or noise issues associated with the project. Staff does not expect any additional traffic to be generated by the proposed use since the bank is intended to serve those patronizing the shopping center. Therefore, the proposed project will not be detrimental or injurious to the property or improvements in the vicinity nor to the public health, safety or welfare.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 ("Existing Facilities"—"... permitting, ... licensing ... of existing ... private structures ... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit No. UP2004-26 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

1. The proposed project complies with the City's General Plan in terms of Policy 2.a-I-7 in that it provides a service that supports surrounding businesses, which can assist in expanding employment, facilitating communications and promoting business retention.
2. The project complies with the City's Zoning Ordinance, which allows for modifications of parking requirements so long as other suitable and convenient parking is available within the area. In addition, the bank use is consistent with the permitted uses in the General Commercial District.
3. The project is not anticipated to have any adverse impacts on the community. No odors, noise, traffic or parking impact are expected and will therefore not be detrimental or injurious to the property or improvements in the vicinity nor to the public health, safety or welfare.

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4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Use Permit No. UP2004-26 approval is for a parking reduction of 2 required on-site parking spaces. Any modification to this approval will require a Use Permit Amendment by the Planning Commission. (P)
2. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
3. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
4. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)

(P) = Planning Division

McCarthy Ranch-Parking Survey

TUESDAY July 27, 2004

		EMPTY SPACES									
	TIME	9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM	5:00PM	6:00PM
AISLE											
1		46	41	39	31	17	35	37	40	35	26
2		53	51	46	29	20	30	38	38	33	24
3		57	48	46	37	30	31	42	35	42	42
4		58	58	55	44	34	37	48	52	54	53
5		61	59	59	48	52	52	51	45	35	58
6		65	58	58	54	45	41	56	57	57	53
7		60	58	57	50	41	50	50	49	55	54
8		65	67	66	58	50	53	60	63	57	59
9		74	71	66	61	55	56	61	61	66	63
10		73	69	69	62	50	57	62	48	57	68
11		72	63	59	47	40	49	57	58	55	62
12		80	71	57	56	39	55	58	67	64	61
13		83	72	59	50	50	56	60	58	65	53
14		78	76	73	58	60	72	66	69	62	74
15		70	68	70	61	66	69	65	68	67	72
16		23	43	30	29	23	26	20	30	20	20
Western		6	5	7	5	2	1	4	3	1	2
Black Ang		99	95	96	12	24	74	90	85	91	49
Sleeptrain		11	10	10	0	0	2	4	5	8	7
Starbucks		33	37	38	24	17	32	34	37	40	36
TacoBell		7	8	6	3	16	7	5	6	6	5
McDonald		18	15	17	13	16	16	15	13	14	12
Total Empty Spaces		1192	1143	1083	832	747	901	983	987	984	953

McCarthy Ranch-Parking Survey

WEDNESDAY July 28, 2004

AISLE	TIME	EMPTY SPACES									
		9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM	5:00PM	6:00PM
1		46	43	42	30	21	30	32	30	32	37
2		53	46	43	46	22	27	36	33	34	29
3		57	55	52	42	37	45	43	48	46	50
4		58	58	57	48	44	49	53	52	56	54
5		64	60	56	52	44	52	54	55	59	63
6		62	46	62	52	54	59	57	56	57	57
7		60	53	59	45	47	50	57	56	54	57
8		67	63	58	52	51	61	49	61	60	62
9		75	70	70	55	57	62	60	65	54	51
10		75	74	69	62	44	60	60	60	59	51
11		76	67	60	52	46	52	57	58	62	64
12		78	67	60	46	52	71	74	57	63	57
13		82	73	65	52	58	65	66	56	69	57
14		78	78	75	61	64	74	74	73	74	74
15		71	70	69	59	60	69	69	69	69	70
16		31	29	28	30	28	27	30	32	31	29
Western		6	4	4	2	3	4	4	3	0	2
Black Ang		100	92	82	1	46	67	89	81	68	73
Sleeptrain		10	11	10	1	0	1	14	10	10	5
Starbucks		40	38	23	14	29	38	50	57	30	18
TacoBell		6	8	7	3	3	2	6	3	4	4
McDonald		13	12	10	2	6	17	13	16	12	10
Total Empty Spaces		1208	1117	1061	807	816	982	1047	1031	1003	974

McCarthy Ranch-Parking Survey

THURSDAY July 29, 2004

AISLE	TIME	EMPTY SPACES									
		9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM	5:00PM	6:00PM
1		46	43	38	29	26	38	31	36	32	27
2		52	51	45	30	28	35	29	38	37	26
3		60	53	51	44	36	41	36	48	51	47
4		60	59	55	52	38	53	54	52	53	60
5		62	59	56	55	50	53	64	60	56	56
6		61	54	60	56	47	44	57	58	60	54
7		60	60	53	53	41	45	41	51	47	52
8		67	65	61	62	56	49	56	62	64	64
9		74	69	69	61	48	57	66	62	62	57
10		75	72	78	63	56	55	62	60	57	59
11		77	69	62	51	49	51	55	59	48	65
12		77	70	65	56	47	59	59	71	66	68
13		82	74	65	51	49	60	65	77	64	62
14		79	77	76	64	67	72	71	73	73	77
15		70	69	69	62	54	66	67	67	68	70
16		29	30	29	29	31	32	32	32	32	32
Western		6	6	6	6	6	3	3	3	2	4
Black Ang		100	78	81	5	23	60	89	83	71	37
Sleeptrain		10	10	9	0	21	7	9	9	11	8
Starbucks		48	35	38	37	4	20	42	18	38	41
TacoBell		7	6	7	2	5	7	5	5	5	5
McDonald		9	12	3	7	4	10	14	11	13	14
Total Empty Spaces		1211	1121	1076	875	786	917	1007	1035	1010	985

McCarthy Ranch-Parking Survey

FRIDAY July 30,2004

	TIME	9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM	5:00PM	6:00PM
AISLE		EMPTY SPACES									
1		46	41	38	39	36	31	39	34	33	34
2		53	49	42	30	26	46	27	35	35	32
3		57	50	50	42	43	38	44	37	39	41
4		62	58	55	52	54	50	51	57	53	56
5		62	58	53	46	47	44	49	50	56	54
6		64	60	59	57	45	50	53	53	58	46
7		54	57	54	50	43	57	48	51	53	52
8		65	67	62	49	55	58	64	67	66	63
9		69	73	66	54	55	61	57	60	63	65
10		69	69	65	55	41	50	50	57	58	58
11		72	69	60	49	42	47	54	56	59	62
12		79	71	74	48	51	54	60	56	69	65
13		81	75	63	46	59	67	68	64	61	68
14		78	78	76	50	63	75	75	71	74	74
15		70	70	72	58	66	70	70	71	70	69
16		31	30	31	29	27	31	30	31	33	33
Western		6	4	4	3	4	1	2	2	2	2
Black Ang		95	92	66	1	29	79	76	71	56	48
Sleeptrain		11	10	7	9	8	7	7	8	7	9
Starbucks		27	35	33	14	34	38	36	42	36	40
TacoBell		6	6	6	3	1	4	7	6	3	5
McDonald		10	4	9	11	7	6	10	7	10	8
Total-Empty Spaces		1167	1126	1045	795	836	964	977	986	994	984

McCarthy Ranch-Parking Survey

SATURDAY July 31, 2004

EMPTY SPACES

TIME	9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM
AISLE								
1	48	44	38	32	24	22	25	24
2	54	51	37	33	29	20	21	21
3	55	53	48	46	37	32	25	27
4	60	60	53	51	49	40	38	37
5	62	57	60	57	41	45	51	49
6	63	63	61	53	53	52	52	54
7	55	59	52	52	52	49	50	51
8	66	66	55	61	47	46	51	49
9	66	60	55	47	52	50	47	46
10	71	68	57	56	44	48	41	43
11	84	66	51	47	38	33	37	36
12	83	73	63	54	51	50	59	58
13	81	76	70	57	58	57	57	57
14	79	78	76	72	74	66	70	69
15	72	70	68	63	66	59	59	59
16	33	33	33	33	32	32	31	31

Western	5	4	2	2	2	1	1	1
Black Ang	98	86	84	57	57	47	68	67
Sleeptrain	11	9	9	3	3	0	3	2
Starbucks	46	44	33	37	26	30	32	31
TacoBell	7	7	4	6	4	3	4	4
McDonald	10	16	13	11	13	10	7	8

Total Empty Spaces	1209	1143	1022	930	852	792	829	824
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McCarthy Ranch-Parking Survey

MONDAY August 2, 2004

EMPTY SPACES

TIME	9:00 AM	10:00AM	11:00AM	12:00PM	1:00PM	2:00PM	3:00PM	4:00PM	5:00PM	6:00PM
AISLE										
1	47	47	42	31	28	28	29	43	29	23
2	55	52	48	33	26	32	40	41	37	38
3	58	57	55	41	39	46	47	46	45	44
4	56	55	52	43	44	50	53	56	59	57
5	63	62	59	55	51	56	47	51	57	55
6	63	63	59	54	49	55	53	54	57	58
7	59	57	53	58	43	52	44	52	52	50
8	71	66	66	56	46	56	59	63	66	64
9	74	73	66	54	50	52	54	54	55	55
10	73	69	69	56	60	60	63	61	67	63
11	81	76	71	64	61	59	65	60	66	68
12	80	75	72	63	58	66	64	68	66	63
13	81	77	71	60	56	67	70	68	67	63
14	78	78	77	71	68	77	78	77	65	61
15	71	70	68	65	64	65	65	71	71	69
16	33	33	33	32	33	32	33	31	33	33

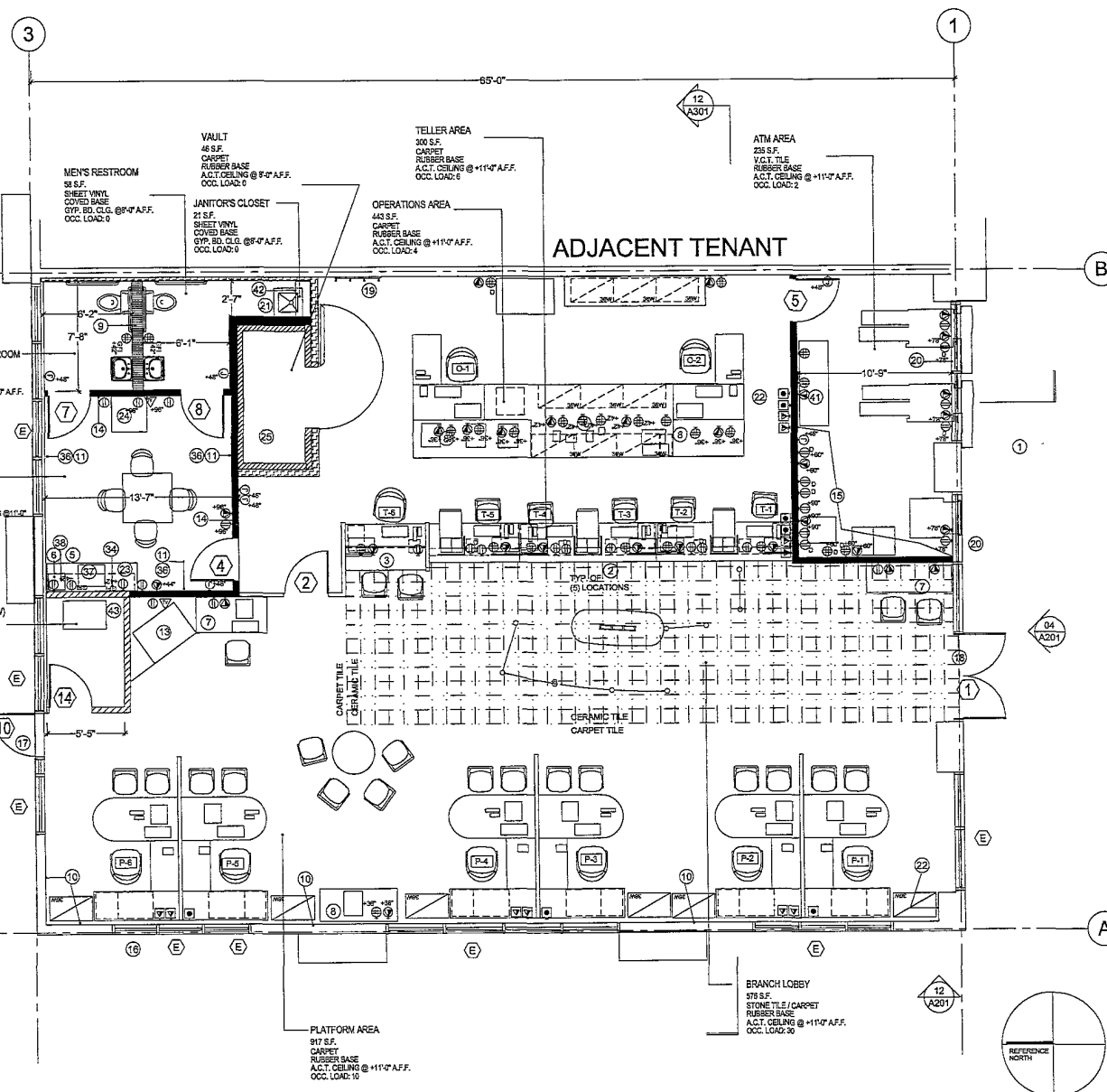
Western	6	6	5	3	4	5	5	5	3	3
Black Ang	98	96	90	20	47	78	87	79	79	79
Sleeptrain	11	11	9	1	3	5	5	11	11	11
Starbucks	42	37	35	26	26	31	35	33	35	34
TacoBell	7	5	7	4	1	5	4	4	5	4
McDonald	10	8	12	4	12	9	13	13	12	11

Total Empty Spaces	1217	1173	1119	894	869	986	1013	1041	1037	1006
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RECEIVED

AUG 1 2 2004

CITY OF MILPITAS
PLANNING DIVISION



- FOR KEYNOTE ITEMS 2-8, 11, 13, 19, 33, 41, & 42: MILLWORK TO BE FURNISHED & INSTALLED BY EMMINGER CORPORATION (925) 313-5830. G.C. TO COORDINATE DIMENSIONAL CLEARANCE REQUIREMENTS PRIOR TO MILLWORK INSTALLATION.
- AT ALL (E) ALUMINUM STOREFRONT FRAMES, PATCH ALL HOLES, SAND SMOOTH, PAINT FRAMES SEMI-GLOSS ENAMEL, COLOR TO MATCH MALL STANDARD.

03 GENERAL NOTES

NUM	DESCRIPTION	REVISION (C = OWNER (WFB) GC = CONTRACTOR L = LANDSCAPE)	QUANTITY	DET/SHIT
1	NEW WELLS FARGO AWNING		0	1/A502
2	STANDARD TELLER		0	
3	ACCESSIBLE TELLER		0	
4	ISLAND COUNTER		0	
5	STAFF ROOM COUNTER - 24"D		0	
6	OVER-HEAD CABINET - 15"D		0	
7	CUSTOMER SERVICE COUNTER		0	
8	EQUIPMENT COUNTER - 30"D		0	
9	PLUMBING WALL		GC GC	8/A501
10	APPLY 5/8" GYP. BD. OVER (E) AFTER REMOVAL OF FURNING		GC GC	
11	CHAIR RAIL (SEE PLAN FOR CHAIR MOUNTING HEIGHT)		0	
12	MECHANICAL SHADE ABOVE CONTACT MAINSTREET, MARY GREENE (925) 734-0133		GC GC	5/A502
13	TV CABINET BY EMMINGER		0	
14	INSTALL 24" X 24" PLYWOOD BACKING IN WALL, 472" A.F.F. BOTTOM OF PLYWOOD BACKING		GC GC	
15	INSTALL 4" X 8" FIRE TREATED PLYWOOD SHEETS AS INDICATED. PAINT: UL LABEL TO BE VISIBLE		GC GC	
16	REMOVE (E) DOOR, REPLACE WITH STOREFRONT GLAZING TO MATCH EXISTING		GC GC	2/A401
17	REMOVE STOREFRONT GLAZING INSTALL NEW EXTERIOR DOOR TO MATCH EXISTING		GC GC	
18	REMOVE STOREFRONT GLAZING INSTALL NEW EXTERIOR STOREFRONT DOORS TO MATCH EXISTING		GC GC	2/A401
19	BAG HOOKS - WALL-MOUNTED 28" A.F.F. T.O. HOOKS**		0	
20	REMOVE STOREFRONT GLAZING INSTALL NEW ALUMINUM PANEL FOR ATM & ND		GC GC	3/A401
21	MOP SINK - 24" X 24"		GC GC	
22	(E) SPRINKLER RISER ACCESS PANEL		GC GC	
23	MICROWAVE OVEN - WHIRLPOOL #MT01071SG		GC GC	
24	REFRIGERATOR - WHIRLPOOL 21.8 CU. FT. WITH ICE MAKER, #WRB200K "PROVIDE WATER LINE"		GC GC	
25	LAMINATE 5/8" GYP. BD. ON ALL INSIDE WALLS OF VAULT USING INDUSTRY APPROVED ADHESIVES		GC GC	
26	NOT USED			
27	NOT USED			
28	NOT USED			
29	NOT USED			
30	NOT USED			
31	NOT USED			
32	NOT USED			
33	ACCESSIBLE COUPON AREA COUNTER, 24"D		0	
34	UNDER-COUNTER ELEC. WATER HEATER - A.C. SMITH #DEL-10; 18" DIA. X 18-1/4" H.		GC GC	
35	NOT USED			
36	TRETFORD WALL COVERING, MOUNT DIRECTLY ABOVE CHAIR RAIL TO 48" A.F.F.		GC GC	
37	STAINLESS STEEL SINK - 14" X 14" X 6"		GC GC	
38	PAPER TOWEL DISPENSER, SURFACE MOUNTED, BOBRICK #252		GC GC	
39	NOT USED			
40	NOT USED			
41	A.T.M. AREA COUNTER W/ SHELVING, 48"W X 24"D		0	
42	WOOD SHELVING ON SURFACE-MOUNTED STANDARDS		GC GC	
43	INSTALL 10" X 10" WALL GRILLS, SEE MECH.			

01 KEYNOTES

NO SCALE

WELLS FARGO BANK

CORPORATE PROPERTIES GROUP
633 FOLSOM STREET, 6TH FLOOR
SAN FRANCISCO, CA 94107

CONSULTANTS:

Szto Associates
133 Kearny Street
San Francisco, CA 94108
tel: (415) 399-0859
fax: (415) 391-4500

PROJECT:

WFB Branch
McCarthy Ranch
123 Ranch Drive
Suite 143
Milpitas, CA
BE# 102292

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REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	1/22/04	HP	DESIGN REVIEW
2	2/26/04	HP	ENGINEERING
3	2/26/04	HP	PERMIT
4	2/27/04	TS	10

SCALE: 1/4" = 1'-0"

DATE: _____
CHECKED BY: LS
DRAWN BY: HP
PROJ. MANAGER: R. Milor
PROJECT NUMBER: _____

A-102
FLOOR PLAN

SHEETS
CAD FILE: _____

WFB HEADQUARTERS

